

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
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Adoption of a Mandatory FCC Registration ) MD Docket No. 00-205  
Number )

To: The Commission

### COMMENTS OF CINGULAR WIRELESS LLC

Cingular Wireless LLC ("Cingular"), hereby submits comments in response to the *Notice of Proposed Rulemaking* in the above-referenced proceeding.<sup>1</sup> Cingular generally supports the Commission's proposal to require "persons and entities doing business with the Commission" to obtain an FCC Registration Number ("FRN") through the Commission Registration System ("CORES") and to provide the FRN in connection with the submission of payments and applications. *NPRM* at ¶ 9. However, with the adoption of an FRN requirement, the provision of the Taxpayer Identification Number ("TIN") by applicants and fee payers is unnecessary. Cingular thus urges the Commission to eliminate the TIN requirement on applications and payments to further protect the privacy of persons and entities doing business with the Commission. In addition, Cingular urges the Commission not to limit the number of FRNs that are issued to entities using the

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<sup>1</sup> *Adoption of a Mandatory FCC Registration Number*, MD Docket 00-205, *Notice of Proposed Rulemaking*, FCC 00-421 (released December 1, 2000), 65 Fed. Reg. 78457 (December 15, 2000) ("*NPRM*"). Cingular is the new joint venture between the domestic wireless operations of SBC Communications, Inc. ("SBC") and BellSouth Corporation ("BellSouth"), and provides wireless voice and data Commercial Mobile Radio Services ("CMRS") to more than 19 million customers in 38 states, the District of Columbia and two U.S. territories.

same TIN and suggests minor changes to the Commission's proposed FRN requirement which are described more fully below.

**I. THE COMMISSION SHOULD ELIMINATE THE DISCLOSURE OF TINS WHEN FRNS ARE REQUIRED**

The Commission should not require the collection of TIN information absent a compelling justification. If the FRN requirement proposed in the *NPRM* is adopted, then the Commission should eliminate the requirement to disclose TIN information on applications and fee payments for which the FRN is required. To obtain an FRN, registrants must provide CORES with their entity name, entity type, TIN, contact address, and e-mail address. *Id.* at ¶ 16 (*proposed in* 47 C.F.R. § 1.8002(b)(1)). The registrants' TIN is thus associated with the unique FRN 10-digit identifier.<sup>2</sup> Accordingly, it is unnecessary for the Commission to require a person or entity "doing business" with the Commission to provide both its FRN and TIN on an application or fee payment if the FRN indirectly provides the TIN.

As the Commission is aware, TIN information is non-public and confidential for individuals and entities that are not publicly held. Further, the ramifications of obtaining and misusing a TIN are great. Financial and other personal information can often be obtained via TINs, and a person's "identity" can be "stolen" if his or her TIN, *i.e.*, Social Security Number, is obtained. The privacy risks for disclosing TINs are present even if the collection of this information is not routinely made available to the public. For example, inadvertently filed copies of submitted FCC Forms 159 ("Fee Remittance Advice"), containing TIN information, have been discovered in the Commission's public reference room on more than one occasion. By substantially reducing the number of instances where TIN information is disclosed, the Commission will promote privacy and increase the security

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<sup>2</sup> "CORES is designed so that TINs will not be available to the public." *Id.*

of non-public information. In addition, the Commission can reduce the collection of repetitive data and “reduce the number of identifiers used by public entities . . . to simplify their interaction with the Commission.” *Id.* at ¶¶ 6-7.

Accordingly, the Commission should eliminate the disclosure of TIN information on applications and fee payments, especially the FCC Form 159, when the FRN requirement applies. There is no compelling reason to require such information given the privacy concerns at stake and the fact that a TIN is provided to the Commission when an FRN is obtained.<sup>3</sup>

## **II. THE COMMISSION SHOULD NOT LIMIT THE NUMBER OF FRNS**

Cingular urges the Commission not to limit the number of FRNs that are issued to entities using the same TIN or penalize entities that obtain multiple FRNs. *NRPM.* at ¶ 15. From the *NPRM*, it appears that the Commission is concerned that entities that have many subsidiaries using the same TIN will obtain multiple FRNs that will impede the Commission’s ability to track and collect payments.<sup>4</sup>

For tax reasons, subsidiaries that are single-member limited liability companies (“LLCs”) often use the TIN of the first entity in its ownership chain that is a taxpayer, *e.g.*, Cingular directly or indirectly owns many single-member LLCs that use the TIN of Cingular. Accordingly, while more than one entity may have the same TIN, they are in fact distinctly different entities each holding licenses and filing applications in their own name with the Commission. The Commission

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<sup>3</sup> See, *e.g.*, 5 U.S.C. § 552a(e)(1) (1994) (providing that the Commission may collect information about individuals only if it is “relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute.”).

<sup>4</sup> “We do not wish to create a situation in which one entity has obtained many FRNs, and uses a different FRN for different or even the same transaction. We are concerned that if we permit representatives or counsel to obtain and provide an FRN, we will still not know on whose behalf a payment is being made.” *Id.* at ¶ 15.

should not penalize these entities for taking advantage of legal business structures that do not provide for easy payment tracking. Instead, Cingular suggests that the Commission accommodate such entities by using a Sub-Group Identification Number (“SGIN”) in CORES when registering for FRNs. This approach would be consistent with the Wireless Telecommunications Bureau’s Universal Licensing System (“ULS”) procedures and will assist in identifying sub-agencies or subsidiaries that use the same TIN.

### **III. THE COMMISSION SHOULD ADOPT THE FOLLOWING ADDITIONAL PROPOSALS**

#### **A. The Commission Should Only Assign FRNs Upon Request**

In the *NPRM*, the Commission requests comments on whether it should assign FRNs upon the issuance of a bill for fees assessed in connection with Freedom of Information Act (“FOIA”) requests, notices of apparent liability (“NAL”), or other forfeiture-related orders. *Id.* at ¶¶ 12-13. Specifically, the Commission states that it will first try to discern the FRN before assigning one in connection with NALs and forfeiture proceedings. Cingular is concerned, however, with the Commission assigning FRNs absent a request from the individual or entity “doing business” with the Commission.

While Cingular applauds the Commission’s efforts to ease the transition to CORES by assigning FRNs to entities already in ULS, Cingular suggests that, on a going forward basis, the Commission only assign FRNs upon request through CORES or the FCC Form 160 (“CORES Registration Form”). Cingular is concerned that the Commission’s assignment of FRNs, *ab initio*, may result in duplicative FRNs being assigned to the same entity and thereby complicating the tracking of FRNs by large business entities, such as Cingular, who control numerous applicants and

licensees. This is particularly troublesome given that CORES is currently not equipped to delete duplicative FRNs.

Large entities, such as Cingular, who have prior dealings with the Commission are in the best position to understand their complex ownership structures and the FRNs for the applicants and licensees they control. Accordingly, if an FRN is required for a fee payment or other filing, then the business entity is in the best position to discern the need for and request the assignment of an FRN, in much the same way as TINs are currently registered in ULS. If the Commission is concerned with problems arising from individuals or entities that are unfamiliar with the Commission's procedures, then Cingular suggests that the Commission attach an FCC Form 160 and instructions with all FOIA bills, NALs, and forfeiture-related assessments. This will allow the individuals to easily obtain an FRN if they have not already been assigned one.

**B. The Commission's Rules And Forms Should Clearly Identify When FRNs Are Required.**

Cingular suggests that, rather than prepare an exhaustive list of items requiring the FRN as proposed, the Commission should instead clearly cross-reference in the rules when FRNs are required and on the applicable forms, because it will allow the Commission more flexibility to accommodate changes as the system is implemented. *See id.* at ¶ 18. The Commission, however, may find it necessary to subsequently issue a public notice to address frequently asked questions concerning when FRNs are required.<sup>5</sup>

Cingular opposes the Commission's proposal to require counsel or other representatives that make fee payments on behalf of one or more clients to provide their FRN. *Id.* at ¶ 20. Logically,

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<sup>5</sup> See, e.g., "Wireless Telecommunications Bureau Answers Frequently Asked Questions Concerning Reporting of Ownership Information on FCC Form 602," Public Notice, DA 99-1001 (rel. May 25, 1999) (providing clarification on requirements of the FCC Form 602).

the Commission should be able to track payments submitted in connection with filings as long as the FCC Form 159, that must be submitted with all fee payments to the Commission, contains the FRN for the applicant of the underlying filing. Further, the applicant and not the payer is responsible for submitting payment to the Commission, and thus it is unnecessary for counsel or representatives paying fees on behalf of applicants to submit their FRNs.

**C. Applicants Should Be Provided An Opportunity To Correct Or Provide An Inadvertently Omitted FRN.**

Concerning the potential ramifications for failure to provide a required FRN, Cingular suggests that applicants be provided an opportunity to correct or provide an inadvertently omitted FRN before the underlying filing for which the fee was submitted is dismissed or otherwise prejudiced. *Id.* at ¶¶ 23, 25-26. If the oversight is not corrected by the applicant within a reasonable period of time, then the Commission should dismiss the underlying filing.

There simply is no public interest benefit associated with dismissing an otherwise timely filed auction payment, renewal application, or other filing for failure to provide an FRN without providing the applicant an opportunity to cure the oversight. In most instances, the FRN is immaterial to the substance of an underlying filing that may be time sensitive.

## CONCLUSION

For the reasons set forth above, Cingular generally supports with minor suggestions, the Commission's proposal to adopt an FRN requirement and urges the Commission not to limit the number of FRNs that are issued to entities using the same TIN and to eliminate the disclosure of TIN information when FRNs are required.

Respectfully submitted,

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